

### REMARKS

By the forgoing amendment, applicant has amended claim 1 to make it clearer that during the pressing step the surface structure of the core is imparted to at least the decorative sheet comprising cellulose which is impregnated with a resin. This has been achieved by amending the term “decorative surface sheet” to “decorative surface sheet comprising cellulose”. Support for this Amendment can be found in the original disclosure at page 4, lines 11 and 16 of the specification. Claim 7 has been amended to conform its antecedent basis to that of claim 1, as amended.

Reconsideration of the rejection of claims 1, 7-10, 15 and 16 under 35 U.S.C. 103 (a) over Drees et al in view of Chen (US Published application 2004/0086678A1 (hereinafter “Chen ‘678”)) is respectfully requested.

Applicants always claimed that “the surface structure of the core is imparted to at least the decorative surface sheet” by the pressing step. Drees, et al’s core, which the Examiner concedes is smooth, cannot impart recessed and protruding portions to at least the decorative surface sheet. The examiner now concedes (Office Action, page 2, lines 22-23) that “Drees et al does not disclose embossing a pattern into the particle board core”.

The examiner now turns to Chen ‘678 with the allegation that “Chen et al. ‘678 discloses it is known in the decorative laminate arts to use a core with an embossed surface. ([0002]; [0022])

There are at least two factual deficiencies with this statement.

Firstly, Chen ‘678 is not from the laminate arts and hence is not analogous art.

The laminate art requires “laminae” or a layer, such as the cellulose sheet impregnated with a resin, as claimed.

Chen ‘678, paragraph [0025] discloses how his “base *coating*, which is located on the backing layer [core] is preferably a polymeric *coating* (e.g., thermoplastic or thermoset)”,

A **coating** is not a laminae and hence Chen '678 is not directed to imparting the recesses and protrusions of a core to a laminae, but rather forming a **coating** on a irregularly shaped core. Paragraph [0026] further discloses the optional formation of other **coatings** on the core.

Secondly, the process claimed in claim 1 is not concerned with how the core is given its shape, e.g., the conceded failure of Drees to teach "embossing" the core. Claim 1 is concerned with reshaping a decorative laminae or sheet comprising cellulose impregnated with a resin, by the application of increased heat and pressure thereby imparting the recesses and protrusions of the core to at least the decorative sheet. The combination of Drees, even as modified by Chen '678 does not teach such process steps. For all the foregoing reasons, the combination of Drees with Chen '678 fails to establish a *prima facie* case of obviousness for the claimed invention.

Reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. 103(a) over Drees et al in view of Chen '678 and further in view of O'Brien (US Patent 6,551,678) is respectfully requested.

As noted above, Drees et al's core is conceded by the Examiner to be smooth. As applicants have always claimed the pressing step imparts the surface structure of the core to the decorative surface sheet, this cannot be achieved by Drees et al. alone, or even in combination with Chen '678. O'Brien is only cited to show how embossing of the core occurs, not the reshaping of a decorative sheet of cellulose impregnated with a resin. Thus, it adds nothing to the deficiencies in the combination of Drees and Chen '678. Because dependent Claim 2 incorporates all the recitations of the claim(s) upon which it depends (35 USC 112, fourth paragraph), the proposed combination still does not establish a *prima facie* case of obviousness.

Reconsideration of the rejection of claims 3-6 under 35 USC 103(a) as unpatentable over Drees, Chen '678 and Duvall (US Patent 2,803,188) is respectfully requested. The

deficiencies of the combination of Drees in combination with Chen '678 are set forth above and herein incorporated by reference. Duvall, like O'Brien, is cited only to show the formation of a core, not a laminating process. Thus, even if Duvall shows the embossing of a core, he does not cure the deficiencies noted above with regard to the combination of Drees in view of Chen '678. Withdrawal of the rejection is therefore requested.

Reconsideration of the rejection of claims 11, 13 and 14 under 35 USC 103 (a) as unpatentable over Drees in view of Chen '678 and Cannady, Jr (US Patent 3,948,713) is respectfully requested.

Cannally, Jr. is cited to show imparting of a pattern to **the wear layer** using a metal foil cushioned from the press plate. However, the claimed invention, and what is missing from the claimed combination of Drees, Chen'678 and Cannady, Jr., is the imparting to the decorative sheet comprising cellulose impregnated with a resin, the protrusions and recesses of a core surface. Again, the examiner attempts to show only limitations of a dependent claim while ignoring the deficiencies of the combination of Drees and Chen '678 in failing to show the steps claimed in claim 1, the limitations of which are incorporated into dependent claims 11, 13 and 14.

Reconsideration of the rejection of claims 1, 2, 7, 8, 12, 15 and 16 under 35 USC 103(a) as unpatentable over Drees in view of Rausch (US Patent 3,492,194) is respectfully requested.

The deficiencies of Drees is noted above and the examiner's concession that "Drees does not disclose embossing a pattern into the particleboard core" is a straw man argument, not related to the real deficiencies of Drees.

Applicants always claimed that "the surface structure (recessed and protrusions portions) of the core is imparted to at least the decorative surface sheet" by the pressing step. Drees, et al's core, which the Examiner concedes is smooth, cannot impart recessed and protruding portions to at least the decorative surface sheet. Therefore, the citation of Rausch

to show "it is known when forming panels to emboss a wood surface and cover it with a colored plastic film which can have a variety of embossed designs" citing column 1, lines 38-42, is simply a response to the examiner's straw man argument. Applicants' claimed invention includes the steps of reshaping of a decorative sheet comprising cellulose impregnated with a resin to impart the protrusions and recesses of the surface of a core to the decorative cellulose sheet during pressing under elevated heat and pressure. Drees clearly does not do so. Neither does Rausch, because, as the examiner clearly explains, Rausch uses a *plastic film*, not a decorative sheet comprising cellulose. Thus the examiner's concession of the deficiencies of Drees and the apparent correction by Rausch is nothing more than a straw man argument. The combination of Drees and Rausch does not teach the steps of the claimed process and therefore cannot establish a *prima facie* case of obviousness.

As all the dependent claims (9-11, 13 and 14) which stand rejected over Drees in view of Rausch in view of a further tertiary reference, include all the limitations of the claims from which they depend, as noted above, (35 U.S.C. 112 fourth paragraph), and none of the tertiary references are cited to cure the deficiencies in the rejection of independent claim 1 or the claims from which they ultimately depend, the dependent claims are also allowable.

Withdrawal of all rejections and passage of the application to issue are respectfully requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1437, under Order No. 8688.047.US0000.

Date: June 27, 2011

Respectfully submitted,



Thomas P. Pavelko  
Registration No. 31,689  
NOVAK DRUCE & QUIGG LLP  
300 New Jersey Ave, NW  
Fifth Floor  
Washington, DC 20001  
Telephone: (202) 659-0100